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SCOTTISH RECORD SOCIETY.

Indices and calendars of records
no. 39

PROTOCOL BOOK OF SIR WILLIAM CORBET

1529-1555.

EDITED BY

THE REV. JOHN ANDERSON,

CURATOR OF THE HISTORICAL DEPARTMENT, H.M. GENERAL REGISTER HOUSE,

AND

WILLIAM ANGUS,

ASSISTANT CURATOR.

350701
19. 5. 38.

EDINBURGH:

PRINTED FOR THE SOCIETY BY JAMES SKINNER & COMPANY,

1911.

EDINBURGH: PRINTED BY JAMES SKINNER AND COMPANY.

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PREFACE.

THE Protocol Book of Sir William Corbet, which is here printed in abridged form, is in H.M. General Register House, being No. 4 of the series of Protocol Books preserved there. It is a small octavo volume of ninety-six folios embracing the years 1529-1555, but as there are only four entries dated prior to 1540, it may be said to cover the period 1540-1555 only. Several of its leaves are awanting, and what remain are by no means in a good state of preservation, the handwriting being very often faint and unreadable. The notary describes himself as "priest" and "chaplain" (*Cf.* Nos. 33 and 63), but the editors have been unable to find any further information regarding him, or to throw any light on his parentage. Attention may be drawn to No. 93, which contains a very interesting note of his private expenditure for part of the months of June and July 1542. The transactions recorded in his Protocol Book deal almost entirely with subjects in the counties of Roxburgh and Berwick, chiefly in the parishes of Linton and Merton.

ERRATA.

Page 2, No. 7, line 6, delete quotation marks.
„ 8, No. 35, line 25, for Hauseheilburn, read "Hauscheilburn."

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PROTOCOL BOOK

OF

SIR WILLIAM CORBET.

1529-1555.

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1. Copy Letters Patent by King James the Fifth accepting Roger Matelland, David Cunningayme, Mathew Gilpatrik and Walter Zowing or any of them as attornies for Hugh, Lord Somerwel, in all his affairs and commanding the leiges to receive them as such. Dated at Edinburgh 20th January a.r.28 (1540-41), 1a.

2. Copy Precept under the quarter seal of King James Fifth directed to the sheriffs and their bailies of Roxburgh, and also to Simon Daugles, sheriff in that part, narrating that he had granted to Hugh, Lord Somerwel, the whole lands and barony of Lintoun, with tenants, tenandries, the advocation of the parish church of Lyntoun, right of patronage thereof, &c., which formerly belonged to the late John, Lord Someruile, his brother, then in the king's hands by reason of non entry; and charging the sheriffs to give sasine. Dated at Edinburgh 10th April (1538). (*Cf.* R.M.S. vol. 3. No. 1775, and No. 17 *infra*), 1b.
   Memorandum.—Sasine given at the cross upon the green in Lyntoun the last day of February 1540 (1541), 2a.

3. Instrument narrating that Andrew Ker in Ald Roxburght, sheriff in that part of Roxburgh, in terms of a Precept of Sasine (dated at Edinburgh 23 March 1541-42), by Hugh, Lord Somerwell, baron of the barony of Lyntoune, passed to the lands aftermentioned, and there gave sasine to George Ker of Lyntoune and Elesabetht Ker, his spouse, and the longer liver of them, in conjunct fee, and their lawful heirs, whom failing the nearest and lawful heirs or assignees of the said George, of whole eleven husbandlands and six cottage lands of Lord Somerwell's lands of Lyntoun, extending to an eleven pound twelve shilling land of old extent, which Symon Dawgles, John Zownger (Young?), Robert Zownger, William Zownger, Andrew Tait, David Tait, Katherine Walcar, relict of the late James Zowng (?), Jonet Millar, relict of the late Nicholas Zowng, Jonet Wrycht, relict of the late John Tennant, William Wrycht, John Smytht, Christopher Ker, Thomas Ker (?), John Chalmir, John Zounger *alias* Cok Zownger, John Moscrop and John Wrycht then occupied, lying within the barony of Lyntoun and sheriffdom of Roxburgh. Sasine given on the ground or crofts of said lands 31st March 1542. Witnesses, Lancelot Ker, John Hog, George Dawesoun, Robert Ker, John Dawesoun, Mark Ker, James Glenquhome, Robert Raa, John Zownger and Patrick Millar, 2b.

4. Instrument narrating that Sir John Chapman (?), chaplain, presented two precepts of sasine, one on behalf of Robert Ker and the other on behalf

of Hugh Dowglas and their spouses, which precepts were read and published. (*Here at the foot of a page there is an apparent hiatus, as the next writ does not seem to relate to the same subject.*) Dated 5th April 1542, 4b.

5. Fragment of an instrument relating to the lands of Hyndlaw, then occupied by John Wilson and William Wilson. Elizabeth Ker, lady of Lyntoun, asked instruments from the notary. Done on the lands of Hyndlaw (*date wanting*). Witnesses, John Hog, Walter Hog, Robert Raa, William Wilsoun and William Hog, 5a.

6. Instrument of Sasine following upon and narrating a Precept of *Clare Constat* by Walter Ker of Cesfurd, dated at Haliden 21st April 1539, directed to Andrew Ker, John Ker and John Richartsoun for infefting Lancelot Ker, called "Lance Ker," son of Andrew Ker of Gaitshaw, as nearest and lawful heir of his father, in liferent, and George Ker, his son and apparent heir, in fee and heritage, in certain lands of Primsyd, valued at £5 Scots yearly, lying "ryndaill" with the lands of the late Thomas Ker, then of George Ker, in the sheriffdom of Roxburgcht and regality of Sprowstoune, by these marches, viz.:—Beginning at the Loch of Lyntoune towards the east, passing over a straight road to the east gate of Prymsyd, and so descending by a marsh to a ditch or sike and to a way which goes beyond the ditch, and so by a straight way to the marches of Zettem to a stone tumulus (or mound) at Prymsyd Zettis and so going to the "Bolbent," and then to the marches of Clifftoune, and from the marches of Clifftoune to four stones lying in the "Swyere," which stones stand at the marches of the lands of four lairds, and so to the marches which pass between Grubet and Prymsyd to a white stone, and so going to three stones lying in an angle of same ford, and so going to the loch of Lyntoune,—the mill of Prymsyd, with a half merk of land belonging to the mill being excepted and reserved to the late Walter Ker, son and heir of the late Andrew Ker of Cesfurd, predecessor of the granter, as principal laird and his heirs. Sasine given by the said John Richartsoun of the lands of Cruketschawis, in terms of the precept, at the manor on the ground of the said lands in the barony of Prymsyd 14th April 1542. Witnesses to the precept, Robert Ker, Mr. Mark Ker, George Ker of Lyntoune, Thomas Ker of Zaire, Mark Ker in Kippelaw and Sir William Chepman. Witnesses to the sasine, John Ker, Thomas Dwnghop, Mungo Wilkeson, William Ker, Andrew Ker and William Tuno (?), 5a.

7. Instrument of Sasine following upon and narrating a Precept of *Clare Constat* by Walter Ker of Cesfurd, lord of the barony of Hownum, dated at Haliden 21st April 1539, directed to Andrew Ker and John Richartson, as baillies, for infefting Lancelot Ker, called "Lance Ker," as lawful and nearest heir of the late Andrew Ker of Gaitshaw, his father, in liferent, and "George Ker," his son, in fee, in the whole four husbandlands, lying in the town and lordship of Hownum and sheriffdom of Roxburgcht, which Symon Halden, Mariota Persoun, Adam Lamb, Alesoun Glenquhome and John Fraim occupy and have in tack. Sasine given by the said John Richartson, in terms of the precept, at the manors and on the ground of said lands of Hownum 14th April 1542. Witnesses to the precept, Robert Ker, Mr. Mark Ker, George Ker of Lyntoune, Thomas Ker of Zaire, Mark Ker in Kippelaw, Andrew Ker and Sir William Chepman. Witnesses to the sasine, Symon Halden, Adam Lamb, James of Burne, John Fram, James Clerk, Alexander Peirsone, William Fereis, George Millar and Adam Ferre, 8a.

8. Instrument narrating that George Ker of Lyntoun summoned the tenants of the Hyndlaw on the north side, namely, John Wilsoun and William Wylson, and asked if they wished to take his part of the said land of Hyndlaw, who, content, promised 5 bolls of oatmeal, oats, wheat

and bear, with occupation of grass and payment of service to said George, laird of Lyntoune, yearly, before the notary and witnesses. Done on 1st May 1542. Witnesses, Robert Ker, John Hog and Robert Raa, 10b.

9. The same day, the said George Ker, laird of Lyntoune, summoned the tenants of "Bwrne-fut," and asked if they wished to hold the farm ("*firmam*") which they formerly had. They said that they could not hold for the price (?) which he appointed to them, and gave it up to him before the term of Whitsunday next. Same date and witnesses as above, 11a.

10. Instrument narrating that Walter Zounger, sheriff in that part, passed to the manor upon the ground of the underwritten lands of Ester Hoislaw, lying in the said town of Ester Hoislaw, in terms of a Precept of Sasine (dated at Edinburgh, 1st June 1541), by Hugh, Lord Somervell, directed to Robert Wrycht and the said Walter Zounger, narrating that he had alienated to Robert Dawesone in Hoislawe, his heirs, &c., the two and a half merk lands of Hoislawe, then occupied by said Robert, lying in the barony of Lyntoun and sheriffdom of Roxburgcht, to be held of the granter and his heirs for one penny Scots, payable yearly on the lands, at Whitsunday, in name of blench if asked only; and directing his bailies to give sasine accordingly. Sasine given at the manor of the lands 10th June 1541. Witnesses to the precept, James Baillie, son and heir-apparent of Alexander Baillie of Carphin, Roger Mautland, Mathew Gilpatrik, William Dawesone, Gilbert Hendersoun, George Gledstanis, Mr. . . . Chapman, notary public, and Mr. David Maitland, notary public. Witnesses to the sasine, John Dawesoun, Mungo Wrycht, William Thomsone, George Browne and Ninian Thomsone, 11b.

11. The same day and place, William Dawesone in Woddane received sasine of as many lands in said town of Hoislawe lying "rynrig" with the land of Robert Dawesone, 13b.

12. Instrument narrating that Thomas Myddilmest in Grubet, uncompelled and of his own free will, in his urgent necessity, resigned and upgave all right and claim which he had to the third (?) part of the lands of Bondelawis, held by him of the lordship (?) and monastery of Melros in time past, to George Ker of . . . house now or for ever without recall or hindrance, for a sum of money to be paid to him within (*torn*) days, namely, £10 Scots,—£5 in hand and £5 within said time. George Ker asked instrument. Done at Lintoun (?) 28th May 1542. Witnesses, John Hownum, Robert Ker and Andrew Corbet, 14a.

13. Acknowledgement by "Jhone Smyth in Priorrawe, tenent," who grants him "be fayth and trewth in to my body to geyff and len frelie all and haill my kyndnes and clem of halff a land of the prioris landis, lyand in to the towne and baronie of Lyntoune and the schereffdome of Roxburgcht, the quhilk halff land . . . with the tother halff I haiff in hand of my master, George Ker, and at his lycens and request oneto my cosyng, Thomas of Glenquhom, for all the dayis and termis of thre zeiris to cum effter the makyng of thir presentis, the said Thomas payand to my maister, George Ker in Faud[ounside], ten pondis of wsuale monye of Scotland; and fra the thre zeiris be complete and owtrwne the said Jhone sal be fre to louse the said halff land fra the said Thomas, the said Johne, his airis, executouris or assignais payand to the said Thomas, his airis, . . . assignais the said sowme of ten pondis of wsuale mone of Scotland withtowt fraud or gyile. In witness quhairof the said Johne and Thomas has oblyst tham be thair trewthis in thair bodyis and handis stakit in wtheris." On which obligation they

asked instrument from the notary, Sir William (*defaced*). Done on 10th (?) June 1542, 15a.

14. Instrument (*the first part of which, including the date, is wanting, there being evidently a hiatus between this and the preceding writ*) narrating in full a Precept of *Clare Constat* (dated at Edinburgh 23rd February 1537), by Walter Ker of Cesfurd, narrating that Andrew Ker of Prymsydlouch, father of Gylbert Ker, bearer of these presents, died last seised at the peace and fealty of the king, in the whole lands of "Louchbank," the third part of the lands of Fowmerdene immediately adjacent to "Louchbank," and the tower or fortalice of Primsydlouch with manor of the same situated within the loch of Primsyd, lying in the granter's barony of Primsyd in the sheriffdom of Roxburgh; that the said Gilbert Ker is the lawful and nearer heir of his father in said lands, that he is of lawful age, and that the lands are held in chief of the granter, who directs James Ker, his bailie, to give sasine accordingly. Sasine given by the bailie at the manors of Prymsydlouch and Fowmerdene. Witnesses to the precept, James Douglas of Drumlanerk, James Ker of Marsyntoun, Robert Ker, brother of the granter, and Ralph Ker in Marsintoun. Witnesses to the sasine, Mr. William Ker, rector of Ald Roxburgh, Thomas MacDowell, laird of Maccarstone, George Ker, Robert Bwrne, William Dowglas, Oswald Murdo and Andrew Macbrac, 17a.

15. Instrument narrating that Hugh, Lord Somerwell, baron of the barony of Lyntoune, being in the town of Lyntoune, went to the place commonly called the "Swannisclos" upon the ground of said lands of Lyntoune, lying in the barony of the same within the sheriffdom of Roxbrocht, and there, with his own hands, gave sasine of the said lands of the "Swannisclos," by delivery of earth and stone, to Robert Tait, brother of David Tait, with consent of said David, who held said "clos" at that date, and occupied it at rent, for one-half of a husbandland lying by itself in length and breadth as in charter made thereon. Done upon the ground of said lands 26th November 1540. Witnesses, Mathew Gilpatric, Walter Zownger, Robert Zownger, Cristall Ker, William Zownger, Thomas Wrycht, Robert Wrycht and Cok Zownger, 18b.

16. Instrument narrating that Robert Wrycht presented to Walter Zownger, as sheriff, a Precept of Sasine (dated at Edinburgh 27th May 1541), by Hugh, Lord Somerwell, baron of the barony of Lyntoune, directed to the said Walter Zownger, as bailie, setting forth that he had alienated to Robert Wrycht, abiding on the east side and gate of Lyntoun, his heirs, &c., all that husbandland with half of a husbandland of his town of Lyntoun, which the said Robert then occupied and had at rent, lying in the town and barony of Lyntoun and sheriffdom of Roxburgh, and directing the said bailie to give sasine accordingly; in terms of which precept, at the manorplaces of said husbandland and half husbandland in Lyntoune near the gate on east side of said town, the said bailie gave sasine to the said Robert Wrycht, on June 1541. Witnesses, George Quhiit, John Deynis, William Rogersoun and John Bawld, 19b.

Memorandum.—The following note is written immediately after the above instrument, viz.:—The same day. Witnesses, Robert Wrycht of the Bra, John Zownger, George Zownger, Thomas Wrycht. The same day. Witnesses, William Zounger, Christopher Ker, Walter Myddilmest, W . . . Zownger, John Elliot and John Moscrop, 21a.

17. Instrument narrating that Symon Dawgles, sheriff in that part, appointed by a Precept of Sasine from the chancery of King James (the Fifth), under the quarter seal (dated at Edinburgh 10th April 1538, No. 2 *supra*), addressed to him, Walter Zownger and William Zownger, as sheriffs in that part, passed to the capital messuage or manor place of the lands and

barony of Lyntoun, etc., in the sheriffdom of Roxburgh, and there, after the reading of the precept by the notary, gave sasine in usual form of said lands to Walter Zownger, attorney for Hugh, Lord Somerwele. Done at said messuage and at the cross in the town of Lyntoun the last day of February 1540. Witnesses, John Zoung, William Wrycht, Christopher Ker, George Middilmest, Robert Wrycht, Robert Wrycht, John Smyth, John Moscrop and James Glenquhome, 21b.

18. Instrument narrating that Andrew Ker, son and apparent heir of Mark Ker of Littildene, appeared in presence of the notary and witnesses holding in his hands a Precept of *Clare Constat* by Andrew Ker of Farnnehyrst (dated at Edinburgh 10th April 1529), directed to Robert Franch, as bailie, setting forth that the late John Aynslie of Dolphyntoune, grandfather of Andrew Ker of Dolphyntoune, died last seised in the lands of Brickynsyid, lying in the barony of Oxnem, that the said Andrew is lawful heir of said John, his grandfather, that he is of lawful age and that the lands are held in chief of the granter as immediate superior; and charging the bailie to give sasine accordingly. After the reading of said precept the bailie gave sasine to the said Andrew Ker of Dolphyntoun, who craved instrument. Done on the lands of Brickynsyid 15th May 1529. Witnesses to the precept, William Ker, David Aynslie, John Ker, son of the granter, James Ethynto[un ?] and John Pot. Witnesses to the sasine, Andrew Ker of Graden, George [Ker ?] of Corb[ethous]is, John Haliburtoune in Murroslaw and John . . . bottyll, 23b.

19. Memorandum of an agreement between William Myll and George Henderson, as follows :—William shall give to George two bolls of bear, and "at the neist Sanct Michaellis daye" the said George shall pay the common price therefor, on which Myll craved an act "of me Schir William Corbet, notar publict." At Mertone 8th April 1545, 25a.

20. The same day, the said George obliged himself to Andrew Weir to pay him for two bolls of bear meal. Witnesses, Sir William Zounger, presbyter, Bartholomew Lokke, Joh n Paistoun and Walter Myll, 25a.

21. Memorandum as follows :—"The vi. day of February the zeir of God a thousand fywe hundred xxxvi. zeiris, Jhon of Mow of that Ilk was content to geiff to his eym, William of Mow, all and haill the landis of the bak of Mow-manis callit Mensles, witht all fredomys, etc., for all the dayis and termys of thair lyfftymys or the langar lewaris of the said Jhon and William, to be browkit and joissit in all fredomys for the said space abone writtyn. The said William of Mow for that steid gaiff our all rycht and claym that he had of auld Jhon of Mow, his father, of the lands in to Colrous and within the towne of Mow for euermare, the said William Mow doand gwyd serwyce to the said Jhon of Mow as wce is, and geiff, sa beis, at thai deffer of the serwyce it sal be put apone the cuntre men and decidit." William Mow asked an "ac" (act) from the notary, "Schir William Corbet." Witnesses, Jhon of Burn, elder, Schir William Zounger, prest, James Zounger in Halibredhownum, Rauff of Bwrne, Robert Burn and Jhon of Mynto, 25a.

22. Memorandum of an agreement between William Myll, on the one part, and Bartholomew Lokke, on the other part, whereby Bartholomew shall pay to William £3 : 6s. Scots between this and "Sanct Mertynis daye in wyntyr," with "three furlettis of heippit ait meill, as the common pryce gayis," on the same day, without fraud, and "failland of that to dowbyll the said sowme." Dated at Mertone 27th May 1545. Witnesses, James Mwyr, George Hendersoun, Andro Chyrd (?) and Jhon of Myll, 26a.

23. Memorandum narrating that "it is contrackit, aggreit and finale endit that Bartholome Lokke is awand to Andro Weir four lib. of mone and thre

bollis of beir, all to be payit at Sanct Michaellis daye nest effter the makyng of this ac, withowt fraud or gyill, as the cowmone prys gayis." Dated at Mertone 1st June 1545, 26b.

24. Memorandum of an agreement between William Myll and George Henderson, as follows :—George shall pay for four bolls of victual, *i.e.*, 6 firlots of oatmeal and ten firlots of bear, at Martinmas next, "as the common pryce gais," and, "geiff sa beis that the said George faillis and payis nocht the said sowme at the said daye and thair rest bot xxs., the said George sall geiff our all rycht and clayme of his iii akyris of land of the Flattis, aye and quhill his takis lestis, to the said William Myll and to his airis, executouris and assynayis" from himself and his heirs, etc. William Myll craved instrument of the notary, Sir William Corbet. Done at Mertoune 18th April 1545. Witnesses, Sir Alene Lauder, priest, and James Rennyk, 26b.

25. Instrument narrating an agreement between Robert Haig and his son, George Haig, on the one part, and Adam Robson and his daughter, Isabella Robson, on the other part, as follows :—George Haig shall contract marriage with the said Isabella Robson and have her to wife in "all gwydlie haist," for which marriage the said Adam Robson shall give to George 80 merks Scots, at sundry terms, *i.e.*, "twenty merkis to be payit the fyrst zeir and the hyndmest penne within thre zeiris." The said "Robert Haig of Bemersyid sal geiff to the said George Haig, his son, ane husband land lyand in to the towne of Bemursyid witht the pertenens, the quhilk the said George Haig occupiis and manwris at the makyng of thir presentis, and ane cotland, the fyrst that ever fallis or vaikis in to his hand, for his dewteis payand ald wsit and wont." He shall also give him a nineteen years' tack of the said husbandland and cotland. Done at Dryburgh and in the chamber of George Wilson, 16th September 1545. Witnesses, John Robsoun, George Wilsoun, Sir John Trumbuyll, vicar of Lessydwyn, and the notary, 27b.

26. Instrument narrating that, the superior of Dryburgch and the convent of the same being gathered in chapter, Thomas Haliburtoun compeared before them on behalf and in name of Jonet Marioribanx, and inquired of the chapter whether they had freely given their choice and power of the teind sheaves of their territory and place of Newbiggyn, who answered in the vernacular, as follows :—"That is the thyng that we ma nocht dony (*deny*), for we haiff subscriuit our namys with our awyn handis to hyr letter of tack selit with our cowmon seill, the quhilk we grant als weill now as we did than." Upon which Haliburtoun craved instrument. Done at the Monastery of Dryburgch in the chamber of the Abbott 9th October 1545. Witnesses, William Hog and George Wilsoun, 28b.

27. Instrument narrating a contract between "Andro Haliburtoun, lard of Mertoune, and James Hoppryngill, son sum tyme to William Hoppryngill in the Toffttis," whereby it was agreed that James Hoppryngill shall marry Barbara Haliburtoune, daughter of Andro Haliburtoun, "als sone as lauch of halikyrk schawis, withtowt ony obstakyll or dolaye," for which marriage the said Andro obliged himself freely, his heirs, etc., to pay to said James 160 merks Scots "quhen that euer the said James dissyris to requir and ask it at hym or his airis and assignais all and haill togydder. . . . Item, syne effter that the said Andro and James ar bayth content and agreit of a hundreth merkis to be weill payit all at anys togydder and all the laiff to rest at wyll." Both parties craved instrument. Done at Mertoune 16th January 1545. Witnesses, Raiff Haliburtoun, Jhon Watsoun and Ritchart Dagles, 29b.

28. Instrument narrating that "George Hunter, ane indweller in to Dryburgch," resigned all right and claim he had by any title "in to the towne of

Dryburgch of his onset housis and zard and ane akyr of land with the pertenens to Thomas Haliburtoun and to his ayrris for now and evermare." Dated at Dryburgh 5th November 1545. Witnesses, "Deyne George Haliburtone, superior and channon in Dryburgcht, Deyne Robert Andersoun, channon," Jhon Penne, Patryc Ryddell and William Hog, 30b.

29. Instrument narrating that at Redpeth, "Elspeth Bertene, the spous wmquhyll of David Roger, and Nans Derlyng, the wedo, and Williem Cot, tenentis and induellaris in the sam towne of Redpetht, come befor ane honorable gentilman, Jhon of Hwyme of Coldenknowis," and resigned all kindness and claim they had in and to their "stedingis of the said Redpetht" freely to the said John Hwyme "for now and evermair. Item, the said Elspeth Berten, Nans Derlyng and Williem Cot dischargis and forbyddis that ony man lewand sowmond or call or persewe the forsaid Jhon of Hwyme for thair materis for he has all rycht and claym that thai haif." Done in the town of Redpeth 16th August 1546. Witnesses, Sir James Haliwell, Thomas Fairbarn and William Haitlie, 31a.

30. Instrument narrating that Margaret Berten and William Trotter, her son, gave up all claim they had to "the stedyng that thai haiff and occupiis of the hous and abba of Mylrois in to the said towne of Redpeth," to John of Hwyme of Coldenknowis, his heirs, etc. Done in Redpeth 28th September 1546. Witnesses, Jhon Hoppryngill of that Ilk, George Hoppryngyll, James Hoppryngill, William Hoppryngyll and George Crenstoun, 31b.

Item, geiff sa be that the said Jhon of Hwyme gettis the rycht of the said towne for a sowme, he submyttis hym anenttis thair part to Robert Trotter and George" (*sic*). Same witnesses as above, 31b.

31. Instrument narrating that "William Haitlie, the lest spous of . . . Roger, came in to his eldmotheris (mother-in-law's) hous, callit Dauid Rogeris hous, and thair, befor all at was therin, offerit to geiff and deliuer owre to his wyffis mother and to hyr barnis and freyndis of his wyffis, that was decessit, all and hail the gwdis that he had than the gwddis pertenit to his wyffis barnis that scho had to hyr fyrst husband, and said it is a bruckill wardill and mony perrellis occurrand, and quhateuer happyn to the barnis or thair gwyddis I wylbe na langar un-[der] it, and of that I aske ane instrument. Item, Cuthbert Robsoun, beand thair present, ansorit for all that wther parte and said that thair was nayn thair that wald rasawe nathyng of it fra hym, and of that he askit ane wther instrument." Dated 18th May 1548. Witnesses, Hendre Symontoun, Patric Purwes, Williem Cot, Nicoll Cot and Hendre Bell. 32a.

32. Instrument narrating that Ralph ("Radulphus") Aynnysle and his spouse, Agnes, indwellers in the town of Calco (Kelso), explained and declared that they renounced their right and possession in and to their dwelling place lying in the town of Calco, with houses and buildings of the same, in favour of Adam Robsoun in Gleddiswod and his heirs, and appoint him cessioner and assignee to the said dwelling place, for certain gratuities and sums of money paid to Ralph in his urgent necessity by the said Adam for the use and behoof of Ralph and his spouse; and they ratify the same and constitute Adam as cessioner, binding themselves never to come in the contrary. Done at the toun of Redpeth 27th February 1546. Witnesses, Andrew Ker of Dolphyntoune, John Mow of that Ilk, Robert Mow, George Ker of Hetoun, William Haitlie and Cuthbert Pot, 33a.

33. Instrument narrating that on "The vi. daye of Maii the zeir of God a m. v^c^. xlvii. zeiris John Hart, messynger, come to Coldenknowis, and thair

he chargit Jhon of Hwym of Coldenknowis witht the Queynis gracis letters and to resyst and leiff the landis of Redpath throw the uertu of the saidis letters that daye ; and alswa the said Jhon of Hwym grantit that he was chargit of before apon the secund daye of Maii lauchfullye be the samin man." Witnesses, Alexander Purwes, Jhon Lyndissaye, Adam Tunno and Sir William Corbet, priest and notary public, 34b.

34. Instrument narrating that John Carncorse in Cowmislie handed a Precept of Sasine (dated at Coldenknowis 25th August 1547), to James Hwym, sheriff in that part, who delivered it to the notary to be published ; in which precept John Hwme of Coldenknowis and Margaret Ker, his spouse, state that they have sold to John Carncorse in Cowmisle and Helen Abirneththy, his spouse, and the longer liver of them, in conjunct fee, and the heirs betwixt them lawfully begotten or to be begotten, whom failing to the lawful and nearest heirs or assignees of the said John Carncorse whomsoever, two husbandlands of the town and lands of Smalem with the "peill" of the same, which John Browne and John Ritchartson formerly occupied, lying in the town and territory of Smalem (Smailholm) in the sheriffdom of Roxburgh ; and directing William Trumbill and James Hwym to give sasine to the said John Carncorse and Helen Abirnethye accordingly. Sasine given by the said James Hwym on the ground and in the houses of the said two husbandlands of Smalem 27th August 1547. Witnesses, Gilbert Hwm, Thomas Kyill, Michael Bannontyne, William Bannontyn, Adam Carter and John Patersoun, 35a.

35. Instrument narrating that "the nychtbouris, induellaris and occupiaris of the ouer towne of Blannyslie, that is to say, Jhon of Romanos, Thomas Fogo, James Lorne, Williem Hall, James Derlyng, Mychaell Dicson, Robert Clerk, Jhon Grewe, Gilbert Thyne, William Jhonson, Patric Jhonson, Jhon of Hall, ar all aggreit, contentit and plesit, and, for the cowmonweill of nychtburheid betweyn ws and the Nethertoune, we haiff excambiyng of ane part of land of the forty pond land of Blaynnyslie, that is to saye, the land lyand betweyn the Mylceburn in north part, and Helburn in the sowth part, and the Market-gayt in the est part, and in to the est part the Monkdyik, the quhilk land thyr for said nychtburis manwris and occupiis now, . . . thyr saidis landis to be manurit and occupiit be the foresaid nychtburis within thair selfis, and nayn of tham that duellis in to the Nethertowne sall haiff na fredome wythin the foresaid bwndis excep tham that has land accordyng to thair maillyng." Further, the neighbours of the Nethertoune of Blaynnyslie have agreed with the neighbours of the Overtoune, *i.e.*, "Stewyn Hunter, Thomas Hunter, James Swynnos, George Dawesoun, Williem Sterlyng, Williem Hall, Mychaell Dicson, Jhon Grewe, Robert Hoppryngill for his brother, and Andrew Hopryngill for v. markis, thyr fore said nychtburis sall occupye the landis lyand and bwndand in at the Helburne in the north part, passand southwart be end of the Nether-taillies on to Sanct Robertis Well in be the end of the land bawk as the ald dyik gangis on to the fwt of the lone of the rone, and syne upwart and towart the west to the west nwik of the rwddis, and southwart owt the gait to the Hauseheilburn to the south part, quhair Thome Hwnter and Jhon of Hall set the marchis, and to Leder apon the est part. Item, the corne that pertenis to the nychtburis of the Wuertoune at this tyme sal be thair auwyn, and fra this zeir furth the said land to be occupiit be the nychtburis of the Nethertoune for evermair. Item, the nychtburis of the Nethertoune quhitclemis all the landis betwene the Mylceburn and the Helburn and Marketgait and the Monkdyik for now and evermair excep tham that has maling thair." Done on 5th April 1547. Witnesses, Williem Ormmystoune, James Rammyssaye, George Dowglas and Robert Hopryngill 37a.

36. The same day and place, Robert Clerk in Blaynnisle gave up all right and claim he had in and to the land, which he held "of the Abbaye of Melros, of the crofft callit the chaippell crofft, to be partit and disponit amang the nychtburis of the north syid of the towne, everilk man to haiff his part accordyng to his maillyng ; and thair ar thai that sall haiff the said crofft amang tham, that is to saye, Jhon of Hall, Patric Jhonson, Williem Jhonson, Williem Sterlyng, Gilbert Thyne, Jhon Grewe, Robert Clerk, Mychaell Dicson, James Derlyng, Williem Hall, James Burn, Jhon Romanus, Thomas Fogo, for now and evermair." Witnesses, Deyne Jhon Foros, monk, Deyn Thomas Mersor, George Dawesoun and James Swynnos, 38a.

37. Copy Tack by "Niniane Hwm of Rymmiltoun-law and tax man of the Kyrkland of Kelso, lyand at the west end of the towne of Hwym," letting to his "weilbelowit brother, George Hwym," his heirs, etc., "that ane halff of the foresaid Kyrkland of Kelso, . . . liand at the west end of the towne of Hwym wythtin the schirradome of Barwyk, the quhylk landis George Hog and wmquhyll Thomas Brotherstans occupiit of befor," and that for all the space that he has "tax or entres" to the lands, the entry being at this date, and to endure for all terms he has "tax or entres" ; the said George Hwym paying yearly 40 shillings Scots therefor. The granter also gives warrandice. Dated at the day of 1546. Witnesses, Alexander Hwm, brother german of Jhon of Hwm of Coldenknowis, Alexander Franch, Gilbert Hwym, Williem Hwym, James Hwym in Fawnis and Charlie Hwym, 38b.

38. Instrument narrating that Thomas Mwter, his spouse, Mariota Wilkeson, and his first-born son, Hugh Muter, with other children, inhabitants of the town of Dryburgch, renounced, as the said Thomas renounced all his right and claim to three acres of land, lying in the town and territory of Driburgch and regality of Lauderdaill,—one acre in the "Mwnkfurd-hauch" extending from the way of the same to the "Dam-steidis," and two acres lying runrig,—in favour of Richard Tait, his cessioner, his heirs, etc., transferring all right, on account of certain gratuities and sums of money paid to him in his urgent necessity by said Richard. Thomas and Mariota also constitute the said Richard their assignee in and to the lands and bind themselves never to come in the contrary. Done at Dryburgch in the dwelling-house of the said Thomas Mwter 13th September 1548. Witnesses, Thomas Ynglis, Robert Watsoun, David Oswald and John Greynfeld, 39b.

39. Instrument narrating that James Hwym, son of the late Alexander Hwym of Carrelsyid, last clerk of the parish of Ersyltoune, compeared in the parish church of Ersyltoune on the fourth Sunday of Mid Lent, and having called the parishioners, singly and by name, asked if they were willing to give him their votes and election to the clerkship of the parish church of Ersyltoune, who answered and gave their votes freely and without recall or hindrance to the said James. They appointed Sir James Ker, curate of the church, to give him the stoup, with holy water and sprinkler, in his hand to minister in said office of clerkship ; upon which the said James Hwym, there present and accepting the stoup and water, craved an instrument. Done in the parish church of Ersyltoune before the high altar, previous to high mass, 31st March 1549. Witnesses, Oswald Purwes of that Ilk, George Lermonth of that Ilk, Williem Hoppryngyll of Wohousbyier [Wolhousebyre ?], Sir Thomas Dewar, vicar of Smalem, the said Sir James Ker, Sir James Haliwell, chaplain, and Sir John Bwyll, canon, 41a.

40. Instrument narrating that Andrew Haliburtoun, laird of Mertoune, of his own free will, resigned all right and claim which he had in and to the

half of the teind sheaves of the territory of Maxtoune, which he held of the monastery of Driburgch, for all time of his tack or taxation, as appears in the letters which he had from the abbot and convent. Done on 22nd September 1549. Witnesses, Sir Peter Crenstoun and William Haig, 41b.

41. Instrument narrating that Adam Wauchop, attorney of and in name of Margaret Ker, "probe virginis," in terms of letters from the royal chancery, appeared holding in his hand a precept by Alexander, Lord Home, and passed to the personal presence of George Wauchop, his bailie, who received the precept and handed it to the notary for publication, after which ths said Adam requested sasine ; and that thereupon the bailie gave sasine of the said (*sic*) £20 lands. Done on the lands 21st November 1549. (*The name of the lands are omitted, but the writ is headed "Instrumentum Margarete Ker, domine de Hwm.*") Witnesses, Andrew Ellot, William Lermonth and John Simsoun, 42a.

42. Instrument narrating that Thomas Hog, attorney (in terms of letters from chancery) of "probi pueri," Henry Haitlie, appeared holding in his hands a Precept of Sasine (dated at Edinburgh 24th April a.r. 8 (1550)), by the queen, and passed to the personal presence of Mark Haitlie, bailie of the queen, who handed the precept to the notary for publication, as follows : —The queen states that by an inquest made by John Perdowyn and John Cob, macers, sheriffs of Barwik in that part, and retoured to chancery, it was found that the late George Haitlie, brother german of the said Henry Haitlie, died last vest and seised as of fee at the queen's peace, in the town and mainslands of Mellostanis with the mill of the same and also in the whole east half of the lands and town of Fawnis, with tenants, tenandaries and services of free tenants ; that the said Henry is the lawful and nearer heir of his said brother, George, that he is, by the queen's dispensation, of lawful age, and that the lands are held of her in chief. The queen, therefore, directs her sheriffs of Barwyk and their bailies to give sasine to the said Henry of the fee of said lands, the franktenement thereof being now, as it was, in the hands of John Haitlie of Mellostanis by reason of his infeftment of franktenement, taking security for £45 of relief of the fee due to the queen. After reading the said precept, the bailie passed to the lands and mill and gave sasine. Done on the ground of said lands 29th April 1550. Witnesses, Gilbert Hwym, William Ormystoun, Adam Hwym, Cuthbert Mortoun, Cristall Ritchartsoun, Thomas Haitlie, William Haitlie, George Purwes and James Robisoun, 44a.

43. Memorandum relating to (Thomas) Mwter, his spouse, Mariota, and his first born son, Hugh, three acres, and two acres "rynrig cum the 1 akyr, the ta end lyand to Mwgwarthauch-gait and the tother to the Demstedis." (*Cf.* No. 38 *supra*). No date. Witnesses, Thomas Ynglis, Robert Watsoun, David Oswald and Hob W. . . soun, 46b.

44. Memorandum narrating that Andrew Haliburton, laird of Mertoune, passed to the dwelling places of the parishioners of Mertoune and craved their votes separately for the office and clerkship of said church for his younger son, Andro Haliburton, who all gave to him freely and without impediment. He craved instrument. Done on 26th October (*year not stated*). Witnesses, David Fra[ser ?] and Jhon Watsoun, 46b.

45. Instrument narrating that John Hoppringle of Smalem and his spouse, Margaret Gordon, appeared holding a Precept of Sasine (dated at Mellostanis 2nd May 1550), by Henry Haitlie, and passed to the personal presence of William Hoppringill, bailie of said Henry, who gave the precept to the notary for publication, as follows :—Henry Haitlie, brother german

of the late George Haitlie and fiar of the lands underwritten, states that, with consent of his father, John Haitlie of Mellostanis, franktenementar of the lands, and also of Thomas Haitlie of Sneiphouse, his uncle, and George Hoppringill of Smalemcrage, his curators, he has sold to the said John Hoppryngill of Smalem and Margaret Gordoune, his wife, and the longer liver of them, in conjunct fee, and to the heirs betwixt them begotten or to be gotten, whom failing to the heirs and assignees of said John, the whole south quarter of the Mains of Mellostanis, with the stone house of said quarter and the "buttis" before the gate of said house, last occupied by Archibald Skeldyng, lying within the sheriffdom of Barwik, to be held of the granter as in his charter thereupon; and directing the said William Hoppryngill, as his bailie, to give sasine in terms of the precept. Sasine given on the ground of said lands 2nd May 1550. Witnesses to the precept, Mr. Robert Ker, vicar of Lyndene, George Powis of that ilk, Mark Haitlie, John Spottiswod and James Cwyk. Witnesses to the sasine, same as to the precept with the addition of Richard Palmer, 47a.

46. Instrument narrating an agreement betwixt John Haitlie, laird of Mellostanis, on the one part, and Gilbert Hwym and Catrine Carnecors, his spouse, on the other part, whereby it was agreed that Gilbert and Catrine, "be the tollerans" of said John Haitlie, "sall sit in thair stedyngis of Fawnis on to fortye dayis be owt run, and than the said Gilbert Hwm and Catrine Carncors at the said fortye dayis end sall tholl the forsaid Jhone Haitlie and his spous, Jonete Ker, and thair serwandis to entir agayn to the possessione, the quhilk scho is now intyll, and to all the possessionis and housis of the saidis Gilbertis and Katrinis stedyngis in Fawnis wytht out ony cummyr of tham or thairis to hyr or hyrris serwandis at that tyme, nocht hurtand the saidis Gilbertis and Katrinis rychtis and possessionis and defens as law wyll"; and within the forty days Gilbert and Catrine are to show a sufficient letter of tack and to brook the same. The parties bind themselves to observe the premises. Done at Mellostanis in the garden there 30th May 1550. Witnesses, Walter Ker of Dolphyntoune, Robert Haig of Bemersyid, William Hwme in Fawnis, Thomas Fairbarne in Gordounmyll, Richard Hangandsyid of Litilnewtoune and George Hoppryngill of Wranghaym, 49a.

47. The same day and place, Gilbert Hwm and Katrine, his spouse, protested that the said contract and obligation made this day should not hinder or injure them of their just possessions, which they inhabit and may possess or have possessed. Same date and witnesses as above, 50a.

48. The same day and place also, John Haitlie, laird of Mellostanis, and Jonet Ker, his spouse, protested that whatever was done that day should not hinder the heirship and possessions in which they are interested at the making of said letters. Same date and witnesses as above, 50a.

49. Instrument narrating that Adam Wauchop, attorney in name of Walter Ker, son and heir of the late Andrew Ker of Cesfurd, appeared holding in his hands a Precept of Sasine (dated at Edinburgh 30th April 1531), by George, Lord Home, and passed to the personal presence of George Wauchop, his bailie, who gave the precept to the notary to be published, as follows:—George, Lord Hwme, lord superior of the lands aftermentioned, stated that by a brieve from the Royal Chancery it appeared that the late Andrew Ker of Cesfurd, father of Walter Ker of Sesfurd, died last vest and seised as of fee at the peace and fealty of the king in the whole lands of Hownum-manis, lying in the barony of Hownum within the sheriffdom of Roxburght, that Walter is the lawful and nearest heir of his father, that he is of lawful age, and that the lands are held of the granter in chief as overlord; and, therefore, directing Patrick Croston, George Wauchop and William Walles, as his bailies,

to give sasine accordingly. Sasine given to the said Adam Wauchop in name of Walter Ker on the ground of the lands 10th May 1531. Witnesses, John Trumbuill, Thomas Roger, John Hair and George Hoppringyll, 50b.

50. Instrument narrating that "Andro Ker of Dolphyntoune and lord of forty pond land of the Hyrssell (in) the Mers, past to Graden to his awyn landis lyand thair, pertenand to the lord of the Hirssell, callit the Snwik, and thair he dischargit Alexander Hwym of and his son, Alexander Hwym, and the hyen that thair was plewman at that tyme duelland, of our souerand laidyis behalff and my lord gouernoris, that nayne of tham no nayne wtheris remanit thair apoun his foresaid grond of the Snwyk besyid Graden, na zet in to tyme to cum maid na intermettyng wytht nowder landis na water na zet na wther thyngis pertenand to hym and his landis, quhylk he is charturit of be the donatioune of our souerand lord, James Steuard, James the fyfft, quhilk he has to schaw, under the heist payne and charge at maye cum efftyr." Done on the ground of the lands 30th October 1550. Witnesses, Andrew Ker, David Aynnysle, William Davisoun in "le Bank," Robert Dawesoun of Hoislaw, George Dawesoun, younger, in Throcdean, George Ker in Hetoun, James Ker in Quhitmar, William Tait in Zettem, David Cosoir, Richard Marchell and Patrick Alesoun, 53a.

51. Form of an instrument for the breaking of sasine and a false instrument. [*Names blank*], 53b.

52. Instrument narrating that Thomas MacDowell, laird of Maccarstone, appeared holding in his hands a Precept of Sasine (dated at Edinburgh 6th November 1550), by Alexander, Lord Houme, and passed to the personal presence of Patrick MacDowell, his bailie, who handed the precept to the notary for publication; in which precept the said Alexander, Lord Houme, baron of the barony of Broxfield, states that he has sold to Thomas MacDowell of Maccarston, his heirs and assignees, the lands of Ester Meirden, lying in his barony of Broxfeld and sheriffdom of Roxburgch, and directs William Dicson and Patrick Macdowell, as bailies, to give sasine in terms thereof. Sasine given on the ground of the lands 8th November 1550. Witnesses, William Dicson, Adam MacDowell, Thomas MacDowell, Andrew MacDowell, and Andrew Macbrak, 55a.

53. Another sasine of the above lands in favour of Thomas MacDowell of Maccarstone. Same date. Witnesses, William Dicson, Adam M'Dowell, Thomas M'Dowell and Andrew Macbrak, 56b.

54. Instrument narrating that Walter Ker, attorney on behalf of Andrew Ker, appeared holding in his hand a Precept of Sasine [*date and place blank*] by John Haitlie, laird of Mellostanis, and passed to the personal presence of Thomas Hog, bailie of the said John Haitlie, who handed the same to the notary to be published; in which precept the said John Haitlie, lord of the franktenement or liferent of the lands underwritten, states that he had sold to Andrew Ker of Dolphynstoune, his heirs, etc., his franktenement and liferent of the lands of Mellostanis and Fawnis, with the mill, manor, tower and fortalice of Mellostanis, lying in the sheriffdom of Barwyk, to be held of Henry Haitlie, the granter's son, lord of the fee of the said lands, mill, etc., in blench farm, during the life time of the granter, in terms of his charter; and, therefore, directing his bailie, Thomas Hog, to give sasine accordingly. Sasine given, by earth and stone, on the ground of the lands and at the principal manor 21st January 1550, 57b.

55. Instrument narrating that "it is aggreit, concordit and endit, and baytht the parties weill contentit," . . . "betweyn Nans Hog (Young),

relict wmquhyill of Williem Hog, on that ane parte, and Andro Hog, eldest son to the said Williem Hog, on that wther parte, that is to saye, quhare the said Williem Hog lefft in to his legace all and haill his houssis, landis and possessionis that he had or was intyll in to his tyme of his departyng of this warld to his spous, Nans Young," for her life. "The said Nans Young, of hyr free will, said that scho wald be contenttit, quheneuer it plessit the said Andro Hog hymselff to cum and brouk his fatheris houssis and landis or thocht he wald put ony of his brether tharto, that scho wald be contentit of ane of the best houssis and ane akyr of land for hyr lywetyme, and then efftyr hyr deces lat tham taik all the houssis and the land to." The said Agnes Young craved instrument. Done at Drybrocht in the house of the said William Hog 3rd April 1551. Witnesses, Thomas Ynglis, Robert Watson, Robert Myll, John Bancaske and Richard Myll, 59b.

56. Instrument narrating that Droucquhell, officer to Jonet Newton of Dawcowe, with consent of Adam Ker of the Schaw, her spouse, passed to Humbe to James Lawson, and thare, in to the hall," warned and charged him on behalf of Jonet and Adam, by virtue of a precept "selit wytht baytht thair selis, to compeir in the kyrk of Sant Geill in Edinburgh and thair apon Sant James alter, the vi. day of May nixt to cum, for to resawe ane soum of mone contenit in ane reversioun maid be hym for the redemptioun of that ane half of the landis of Nether Carlowre, as the tenor of the sam beris." Done on 2nd April 1551. Witnesses, George Hoppryngill, David Hoppryngill and Jhon Watsoun, 60b.

Memorandum.—This is followed by a form of letters of procuratory by the said "Jonet Newton of Dawcowe, laidy," with consent of Adam Ker, her husband, for summoning parties to compear and receive money for redemption of half the lands of Nether Carlowre. [*Names blank.*] At Edinburgh, 1550, 61a.

57. Instrument narrating that "At Mertoune it is aggreit . . . betueyn . . . Jhon Mwtar of the west end of the towne, tennand to Thomas Ker of the Zair, of the ane part, and James of Myll, son to Robert Myll, of the toyther part, as follows :—James of Myll shall have in tack from John Mwtar "ane quarter of his land, the quhilk he has of his maister, Thomas Ker foresaid," aye and till the said John give again to said James the sum of money which James gave to him, *i.e.* eight pounds. And if John Mwtar pay the money before Martinmas next "the said quarter of husbandland to be fre to the said Jhon." Done on 27th April 1551. Witnesses, Thomas Couchren, Jhon of Myll and Sir Robert Myll, 62a.

58. Instrument narrating that Andrew Ker, son and heir of Mark Ker of Littilden, presented a precept from the queen's chancery, under the quarter seal (dated at Stirling 27th July 1550), directed to Ralph Haliburtoun, sheriff depute of Roxburgch in that part, which was handed to the notary for publication, as follows :—Mary, Queen of Scots, with consent of James, Duke of Chattellaraule, etc., protector of the kingdom, has granted to Andrew Ker of Dolphynstoune, his heirs, etc., the lands of Maxstoune and Littilden, with tower, fishings on the Water of Tueid, etc., the lands of Dolphynstoune and Faulaw, with tower of Dolphinstoune, etc., the lands of Coubog, with two husbandlands and one croft and toft lying in the town and territory of Morbithill, all lying in the sheriffdom of Roxburgh ; the lands of Hirsell, Hatchetnes, Ouir Toichrik, Nether Tochrik, the two grain mills of Hirsell, the one called "Fierburn-myll" the other Mill of Leit, with fishings on Tued from said Fierburn-myll to the mouth of the water of Leit, ten husbandlands of the town and lands of Graden, and the lands of Snwyk, with fishings in Tued called Littilhauch and Tilmoth-hauch, lying in the sheriffdom of Barwyk ; which lands of Maxtoune and Littilden, etc., were resigned by the above Mark Ker of Littilden, father of Andrew, and the lands of Dolphinstoune and others by Andrew himself

at Stirling. The queen, therefore, commands John Ker and the said Ralph Haliburtoun to give sasine of said lands to said Andrew Ker, under reservation of his father's liferent in the said lands of Maxstoune and Littilden, with a reasonable terce to his spouse. Sasine given of the lands of Littildene and Maxtoun at the manors thereof 24th August 1550. (*Cf. Registrum Magni Sigilli, Vol. IV., No* 489.) Witnesses, William Ker, Ralph Haliburtoun, John Haliburtoun, John Dougles, John Ethintoune and William Mark, 62b.

59. Instrument narrating that "James Watsoun, officer to my souerand laydye the quenny's grace of Scotland, hyr controller, and to Schyr Andro Ker of the Hyrsell, wyth ane preceep . . . passit to the house of the Snwyk wythin the terratorye of Graden and schereffdome of Barwyk," and there discharged (in name of the queen, the controller and Sir Andrew Ker, "lard of the said ground,") the Prioress of Caldstreym, Alexander Hwym, elder and younger, (*cf.* No. 50 *ante*) and all others, "induellaris or occupiaris of that grond, owder watyr or land, to remayn ony langar thair. . . . And lychtit doune to haiff laid furth thair gwiddis and insycht of house and to haiff removit thair gwidis of the grond and pwt on the said Androis gwyddis, quhilk was thair present. The foirsaid Alexander Hwym, zoungar, and his folkis wald nocht tholl the said officer to do his officis bot said he wald ansor to the quenny's grace and the controwar as law wyll, bot he sould nocht remayn on that grond als fer as thair bondis rekit to taik a pow of gers na Schir Andro Ker should haiff entreis thair," on which the officer craved instrument. "And syn the said James, officer, past to the nychtbouris of Graden, viz., . . . dur by dur, and thai stekit thair duris and held hym out and said thai wald nocht obbeye nor ansor quhyll at the quheny's grace and the gouernour maid tham a maister at thai mycht ansor to." The officer asked instrument. and then "pwt on his maisteris gwydis on that grond wythtout ony stop. And syne efftir, the said James come to Haitsyidneis to laye furth tham at was thair and the man of the house barrit the dur and wald nocht ansor, and thair he put his maisteris gwydis on the grond ; na man was thair to lat and nathyng was (on) the grond bot a naig and that he pwt of. And syne passit to Toithric and thair was nathyng bot waist wallis," of which the officer asked instrument. Done on 20th May 1551, 65a.

60. Instrument narrating that a venerable and religious man, Sir William Wilsoun, professed canon of the monastery of Driburgcht, as procurator for Richard Crenstoune and Sir John Castellaw, chaplain, passed to the personal presence of the remaining canons gathered in chapter, whose names follow, "viz., Georgius Haliburtoun, &c.," and there craved from them if they were content and would ratify in future a tack or letters of tack (dated at the monastery of Dribrocht 4th November 1548), of their teindsheaves and glebe of the parish church of Pencaitland, made with their consent and under the common seal by Thomas, commendator of said monastery, Master of Erskyn, for the space of nineteen years, to the said Richard and Sir John, their heirs, assignees and subtenants, and if they would warrant it to be sufficient, so that Richard and Sir John, their heirs, etc., may enjoy the said teindsheaves and glebe lawfully according to their tack during the nineteen years ; which prior and canons with one voice answered and said that they, in their great necessity immediately after the burning and distruction of their monastery by the English at this time of war, had received for the tacks from said Richard and Sir John various sums of money, in name of entry to the tacks and for their support and the repair of the monastery, in counted money, and converted to their behoof and the use of the monastery and convent. They, therefore, with the said Sir William Wilson, uncompelled and of their own free will, oblige themselves to warrant and defend the teindsheaves and glebe to Richard and Sir John according to the tacks, that they may lawfully enjoy and intromit with the same, by paying to the canons and

their successors 100 merks Scots for said teindsheaves, and 40 shillings for the glebe yearly, and four merks to the Archbishop of St. Andrews "pro sinodalibus et procurationibus dicte ecclesie tantum." The procurator craved instrument. Done in the chapter place of the Monastery of Dribrocht 15th February 1548. Witnesses, George Wilsoun, Archibald Stewart and George Penne, 66a.

61. Form (*in the vernacular*) of letters appointing procurators to appear before the Pope's commissary or other commissaries to ask a dispensation to marry. (*Names all blank.*) Dated 1551, 67b.

62. Instrument narrating that Mark Ker of Littilden resigned all right or possession he had in and to the place or manor of St. John near the chapel and church of St. Bosil in the territory of Lesidwyn, in favour of John Ker, his second born son, and his heirs, making the said John his cessioner and assignee in and to the place of the building of St. John of St. Bosillis and tacks made to him thereupon; and transferring all his rights, etc. Done at the manor and in the tower of Littilden 8th July 1551. Witnesses, James Ethyntoune, Peter Robsoun and Bartholomew Dicson, 68b.

63. The Legacy (or Testament) of Mark Ker in the following terms, viz. :—He gives and bequeaths to the Monastery of Melros for the place of (Cam)mestoune and Plewland and the teindsheaves of Naynthryne (?), for all past dues, 3 merks Scots; to the Monastery of Dryburgch, for the teindsheaves of Rutherford and the teindsheaves of Maxstoune and for all other dues not as yet paid, three merks Scots; to the Laird of Ormystone, for all dues between them, 100 merks; to Robert (?) Ker, his younger son, the place and lands of Cammastoune as freely as he held it, with 16 oxen which go on Littildenmanis. Upon which Robert asked instrument. He leaves to his spouse, Mause Aynnyslie one chalder of victual from the place of Littilden, with two cows; to his son, William (?) Ker, one chalder of victual from the place of St. John *alias* (?) St. Bosil; to Sir William Corbet, chaplain, for his services, £10 Scots or the "bausend horse" or a better; to John Ethyntoune, his servant, £10, with a doublet, white hose and black tunic of leather ("corrii"); to Mause Ker, his daughter, £40; to John Robson one boll of wheat in that year; to the vicar of a Lasidwyn two bolls of wheat; to James Ethyntoun, £5; "et heredibus de cowbog a parentibus eorum viii b. victualium"; to Thomas (?) Rutherfurd, for all past debts, eight bolls victual; to John Pot three young oxen ("owsyn") if they shall satisfy the wife of Rutherfurd; and to the Laird of Wuertoune 40 ewes and 6 "kye." The testator asked instrument. Done on 16th July 1551 in the place of Littilden. Witnesses, John Hoppryngill of Westhous, John Ethintoune, William Maben, Sir John Liddell and Sir William Corbet, notary public, 70a.

64. Instrument narrating that "ane honorable and ane nobill knycht, Schir Andro Ker of the Hyrssell, sone and apperand ayer to Mark Ker of Littilden, come to the said Mark Ker, his father, lyand one his dedbed and sperit how de dyd, and he ansorit and said 'I do as God wyll bot ze haiff byddyn lang fra me,' and the said Schir Andro said 'my lord gouernour wald nocht tholl me to cum fra hym bot quhat will ze haiff me doand, tell me and it sal be done.' 'Thai haiff gart me maik ane new testament heir this same daye and I dispec I haiff gewyn mair awaye than I haiff, bot lwyk ze apon it and, geiff thair be ony thyng at ze thynk nocht rycht, do as ze wyll and pleis all parteis and ze can for my benesoun'; and the said Schir Andro Ker, knycht, said he sould do the sam." Done at Littilden in the tower 16th July 1551. Witnesses, John Ethyntoune Bartholomew Dicsoun and Patrick Robesoun, 71a.

65. Instrument narrating that "At Alessydwn, Thomas Wnys, ane Indueller thair, callit a certen personis and nychtburis to werefe the contract maid betueyn the said Thomas Wnys, on that ane parte, and Jhon Kyill, on that wther parte, bayth induellar in the sam toune, and thir ar thair namys at was callit, Schyr Alexander Syntoune, prest, Andro Hech, serwandis to the Lard of Buccleuch, beand thair gatherand the teynd schewis to hym for the tyme, and James Thurbrand, nychtbur and tenent into the said towne callit the Styill." These three being present together, Thomas Wnis inquired of each and all of them what was the condition and contract between him and his neighbour, John Kyill, at their "last colatione" as they were all present and witnesses. They all answered that John Kyill confessed and granted before them all that he was owing to the said Thomas Wnis "awcht Scottis lib." nine shillings and ten pence, for which sum he obliged himself to pay Thomas 10 bolls of "beir" at the next "Sanct Helyn daye callit belten or the inuentione of the hali cros, the last pec." Done on 15th September 1551, 72a.

66. The same day and place, "the said iii men awissitlie said at thai hard the said Jhon Kyill promys and hecht trewlie" to Thomas Wnys, that, if Thomas would furnish £22 to him before next Martinmas in that year, "he sowld haiff of his (John's) mailling in to the said towne of Allessydwyn a quartter of ane husbandland of his" until he repayed the said sum. Item, in that instant tyme the said Jhon Kyill sall occupye the said quarter of land hym selff, for the quhilk land the said John Kyell sall paye zeirlie to the said Thomas Wnis and his assignais iii bollis of hepit ayet meill, sufficient stuff, and a firlot of quheit sawyn into the best quheitland of that quarter of land." Done at the town of Alessydwne in the house of Thomas Wnis. Witnesses, John Hunter, John Haliburtoun, Thomas Jamesoun and John Rennyk, 72b.

67. Instrument narrating that Thomas Hog, officer to Sir Andrew Ker, John of Hait(lie) and Henry Haitlie of Mellostans and the Eastend of Fawnis, "come to the sam towne of Fawnis and to the onsteid and place quhair James Hwym duellis thair and callit apoun the said James; he beand absent his wyff come furth and hyr serwandis." The officer discharged James Hwym from occupying or tilling any more of the lands of Fawnis belonging to Sir Andrew Ker, knyght, John Haitlie and his son, Henry Haitlie, except the three half lands, which, he says, he "has a certain zeiris to ryne of thair taxis," and by virtue of his office and precept discharges James and all his or any on his behalf. "And geiff the said James kennis nocht graytlie the said iii. halff landis thair was send ane tennand of the sam towne to ken hym to the said landis or to part tham fraye the laiff of thair landis." The wife of James Hwym "ansorit and said thai war nocht reddye at that tyme to part na landis wytht tham," on which John Haitlie asked instrument, 73a.

The same day and hour, the said Thomas Hog passed to the onstead, where Gilbert Hwym dwells, and called him forth and discharged him from manuring or occupying any lands of his (Hog's) masters within that town of Fawnis under the highest penalty of the law. John Haitlie asked instrument, and Gilbert Hwym requested from the bailie a copy of the precept. Done at Fawnis 8th October 1551. Witnesses, Thomas Hog, John Haitlie, Hendrye Tod and David Skot (?), 73b.

68. Instrument narrating that Mark Ker, attorney in name of a young man, John Ormystoun, appeared holding in his hands a Precept of Sasine (dated at Crenstoun 30th October 1551), by John Crenstoune of that Ilk, and passed to the personal presence of Thomas Crenstoun, bailie of the Laird of Crenstoun, who handed the precept to the notary for publication as follows:—John Crenstoun of that Ilk, overlord of the lands underwritten, states that a precept from chancery in the first form was directed to him for giving sasine to John Ormistoune, son

and heir of the late Elizabeth Haitlie, of the whole third part of a six-merk land, lying in the town and territory of Smalem within the sheriffdom of Roxburgh, and also of the whole third part of the ten-merk lands of Smalem, which precept he himself desires to obey; wherefore he directs Thomas Crenstoun to give sasine accordingly to the said John Ormistoun. Sasine given upon the ground of said lands 31st October 1551. Witnesses, William Aynnysle, James Atzesoun, Thomas Bewarech, John Macgwydcheir and Robert Hendersoun, 74b.

69. Instrument narrating that "Thomas Crenstoun, son to Jhon of Crenstoun of that Ilk, protestis always that the gewyn of this seissyng to Jhon Ormystone, of the thrid part of the sax mark landis in Smalem, be na hurt nor pregites to Jhon of Crenstoune of that Ilk nor his ayerris, bot that he maye reduce the sammyng in sa fer as the inquest has serwit the said Jhon of Ormystoune of the thrid part of the foresaid sax (mark) landis in Smalem, halddyn of the said Jhon Crenstoun of that Ilk in fre blench." The said Thomas also protested that Mark Ker of Kippelaw, attorney for John Ormystone, should render to him the precept of his father, John Crenstoune, which he delivered to him, if he is bound in law. Done on the ground of said lands 31st October 1551. Witnesses, William Aynnysle, James Atzesoun, Thomas Beffarech, John Macgudcheir and Robert Hendersoun, 76b.

70. Instrument narrating that Thomas Fairbarne, residing at the Myll of Gordone, grants receipt from "Margaret Ker, Laydie Hwym," as factor for Alexander, Lord Hwym, her spouse, of the sum of £100 Scots, for the redemption of five husbandlands called the "Myddilthrid," lying within the lordship of Gordone and sheriffdom of Berwyk, "quhilk fywe landis the said Thomas had in alienatione be wmquhyill George, Lord of Hwym"; and he renounces all right and title to the lands, which he declares to be lawfully redeemed. Done at Coldenknowis and in the chamber of the manor (?) on 30th October 1551. Witnesses, Sir John Hwym of Coldenknowis, knight, James Hwym, his son and apparent heir, Mr. Alexander Creichtoune, William Fairbarne, Andrew Hoppryngill, Adam Brounfeld and James Hwym in Fawnis, 77a.

71. The same day, John Hwym of Coldenknowis, knight, obliged himself, his heirs, &c., to pay to Thomas Fairbarne in Gordonmill, his heirs, &c., the sum of £80 Scots, at the next "thryd daye of Maii callit inuentio sancti crucis," in payment of a larger sum which should have been paid to the said Thomas for redemption of the lands of the Myddilthrid, which he granted to be lawfully redeemed. Same date and witnesses as above, 78a.

72. The same day, "Margaret Ker, laydye Hwym," obliged herself to warrant John Hwym of Coldenknowis, knight, at the hands of Thomas Fairbarne, his heirs, &c., of the above sum of £80; and if Alexander, Lord Hwym, her spouse, returns to these parts of Scotland before 3rd May, she shall cause him within ten days after his return to give an obligation similar to this for relief of Sir John. Date and witnesses same as above, 78b.

73. The same day, Thomas Fairbarne of Gordonmyll constituted Alexander, Lord Hwym and Margaret Ker, his spouse, his assignees in and to a reversion given to him by George Jhonsoun for the redemption of one of the five husbandlands of the Myddylthrid alienated by said Thomas, and he obliged himself to deliver the reversion to the above Margaret Ker, Lady Hwym, within 15 days. Date and witnesses same as above, 79a.

74. Instrument narrating that Thomas Bauarach, bailie in that part of John Crenstoun of that ilk, passed to the lands under described, and there

John Hoppryngill, after designed, presented to him a Precept of Sasine (dated at Jedburgh 7 November 1551), by John Cranstoun of that Ilk, lord of the lands of Smalem, setting forth that, by a retour to Chancery, it was found that Cristina Boid, mother of the said John Hoppringill, died last vest and seised as of fee at the peace and fealty of the queen in the lands commonly called Boidislandis *alias* Cokburnlandis, lying in the granter's barony of Smalem and sheriffdom of Roxburgch; that said John is the lawful and nearest heir of his mother in said lands, that he is of lawful age and that the lands are held of the granter in chief; and that, by a precept from the Queen's Chancery, the granter is commanded to deliver sasine to said John, which he directs his bailie, Thomas Beuarage, to do accordingly. Sasine given on the ground of said lands and at the principal manor thereof, 9th November 1551. Witnesses to the precept, John, Lord Borthik, Gavin of Borthik, Michael Borthik, Thomas Cranstoun and Master Walter Pille, notary public. Witnesses to the sasine, William Ormystoune in Meirdeyn, George Hoppringill of Wrangham, Andrew Ellot, Robert Hendersoun, Richard Davesoun and John Browne, 79a.

75. Instrument narrating that there compeared a young man, George Rutherfurd, of Glasgow diocese, and Katherine Haliburtoun, a woman, of same diocese, who produced the apostolic letters in manner of a dispensation, after described; and that further, they, holding said letters in their hands, humbly craved Sir George Haliburtoun, canon of the Monastery of Dribrocht, to dispense mercifully with them in terms of the letters, which being seen, shown, read and understood, the said venerable father dispensed with the said George and Katherine in terms of the dispensation, of which the tenor follows:—Peter Lambert, Bishop of Caserta, etc., to all sons of mother church, chaplains in cures and not in cures within the kingdom of Scotland: Whereas a petition was offered on behalf of George Rutherfurd, layman, of Glasgow diocese, and Katrine Haliburtoun of same diocese, spouses, narrating that they formerly, knowing that they were related in the fourth degree of consanguinity and affinity, contracted marriage between themselves "*per verba de presenti*" publicly, intercourse following; and since the said spouses cannot remain in matrimony without a dispensation, and if there were a divorce between them, grave scandals would likewise arise, they have humbly petitioned that the benefit of due absolution and fitting dispensation may be mercifully provided to them by the apostolic See. The bishop, therefore, to avoid scandal and by the power granted to him, commits (to the chaplains, etc.,) that, if it may be, the spouses may be absolved from the general sentence of excommunication they have incurred, and having enjoined to each of them, for their fault, a salutary penance, the chaplains may at last dispense with them that, the impediment notwithstanding, they may lawfully remain together in contracted marriage so that the woman shall not be taken away by anyone, decerning the offspring to be legitimate. Given at Rome 28th January 1551. These things were done in the chapel of John Haliburtoun of Murroslaw on 31st January 1551. Witnesses, John Haliburton, Thomas Bell, Sir George Haliburton, vicar of Mertoune, and Sir William Tailfar, vicar of Maxston, 81a.

76. Instrument narrating that George Wilsoun, attorney on behalf of Sir Thomas, Master of Erskyn, presented a Precept of Sasine (dated at Edinburgh 9th September 1551), by Sir John Hwme of Coldinknowis directed to Thomas Ynglis, bailie of Sir John, who handed it to the notary for publication; in which precept John Hum of Coldenknowis, knight, states that he had sold to Sir Thomas, Master of Erskyn, his heirs, etc., his whole lands of Broderstanis, as well property as tenandry, lying in the lordship of Lauderdaill in the sheriffdom of Berwik, to be held of the queen and her successors as more fully stated in the charter. He, therefore, directs John Robson and Thomas Ynglis, his bailies in that part, to

give sasine accordingly. Sasine given by the said Thomas Ynglis on the lands 7th October 1551. Witnesses to the precept, John Blaccater of Tulyalon, Andrew Ker of Hirsell, knight, Walter Setoun of Tulibady, John Cunyngham of Drumquhassill, Robert Bruce and John Zounger, writer. Witnesses to the sasine, George Dewar, Andrew Dawesoun, Robert Watsoun, Thomas Tait and Sir William Wilson, canon, 82b.

77. Instrument narrating a contract between "David Oswald, on that ane part, and Alesone Lyndissaye and hyr eldest douctyr, Aleson Todryk, on that other party," as follows :—Alleson Lyndissaye, who had "a letter of taxis (tack), wyth the cowmone seall of Dryburgch, quhylk proponit xix. zeiris of tax for hyr and hyr husband and ane ayer gottyn betueyn tham," delivered the same into the hands of the said David Oswald, and gave up all her right, "taxis and kyndnes at scho and hyr barnis has had or maye haiff in and to the onset house and zard, wyth ane akyr of land," lying in the territory and lordship of Dryburgch and regality of Lauderdaill, of which she has the common seal of the Abbot and Convent; which tack David shall enjoy after her decease and until the tack be outrun, paying to the Abbot what she paid in her time. For which causes the said David Oswald shall contract and marry the said Alison's eldest daughter, Alison Todryk, "als sone as law-dayis cumis." He also promised to "Katren Todrik, the zoungar sister, for hyr kyndnes and fredome, to geiff to hyr halff (of) all the gwiddis about hyr motheris hous efftyr hyr deces geiff scho gyiddis weill and dois his consail." At Dryburgch and in the cloister there, 18th February 1551. Witnesses, George Wilsoun, Robert Watsoun, Margaret Hog, Sir William Willsoun, canon, and Sir Robert Myll, canon, 84a.

[*A blank of a page and a half follows*], 85a.

78. Instrument narrating that Mariota Rutherfurd (?), spouse of the late Thomas Richartson in Smalem, resigned all right and claim she had in and to the half of one husbandland, lying in the town and territory of Smalem (Smailholm) and sheriffdom of Roxbrocht, to her son, John Richartson, which half land Mariota held of the Abbot and Monastery of Dribrocht. Done 11th August 1553. Witnesses, Andrew Haliburtoun, laird of Mertoune, Walter Steill, John Watson (?) and P. . . . Bruce (?). 86a.

79. Instrument narrating that Jonet Newton, lady of Dalcowe and of Newtoune, with consent of her spouse, Rauff Haliburtoun, has put in and received William Lermotht, son to Nicholl Lermotht "in Kelso Faircorse now duelland, in to tua husbandlandis of the Mayns of Newtown and rasauit hym as ane thankfo tenent to tham," as well as remitted all bygone maills and duties owing; for which entry and remission the said William Lermotht has delivered into their hands 20 merks and shall pay other 20 at Whitsunday next, he paying yearly "his maill and dewties as wtheris nechburis dois ald wsit wont." Done at Mertoune and in the hall there, 5th January 1554. Witnesses, Andrew Haliburtoun, laird of Mertoun, Sir George Haliburtoune, vicar of Merton, John Haliburtoun, William Ormyston and James Hoppringill, 86b.

Memorandum.—The following note is written immediately after the above instrument, viz. :—"Officer, Thomas Kyill in that part, officer, Jhon Flabarn. Attour witnesses, Thomas Fleming, Mungo Kert, Nicoll Gray, James Thomsoun," 87a.

80. Instrument narrating that at Drygrange, John Haitlie in Faunys and Thomas Hog, servants to John Haitlie of Mellostanis, by his authority, offered to William of Lythquo, there present, "penneworthis, viz. :—scheip, nowt, horse or corne for ane hundreth merkis of mone, quhilk the said Jhone Haitlie wes awand to the said William Lithquo of befor,

and he refussit it and said he wald tak nane penneworthis bot he wald haiff the thyng at was contenit in the act of his compromyt and fra that he wald nocht remowe." Haitlie and Hog then "bad the said Williem Lithquo cheis the pryssaris of the guyddis hym selff; mair attour thai dissyrit the said Williem to taik the tayne halff in pennyworthis, and he sould within xx. dayis haiff mone for the tother halff, and he refusit. Item, the forsaid Williem Lythquo said it was that same daye he promysit hym pament and he seis nayne, heirfor he wald byid at his contract quhateuer it beris and nocht ellis," of which he asked instrument. At Drygrange 2nd February 1553. Witnesses, Jhon Flabarne, Jhon of Lithquo, Robert Lithquo, Jhon Haitlie and Thomas Hog, 87b.

81. Memorandum as follows :—"The viii. daye of Apperyll in the zeir of God a m. v^c liiii. zeiris, the Mwrdois, viz., James and his brether and brother barnis, resauit ane sythment, into the Kyrk of Legerwod, fra the Thomas Luderdaill and Thomas Blaikie for the slauchter of Richart Luderdaill, opynlie befor all the parochyn beand thair present." Witnesses, Mr. James Crenstoun, Schir Peter Crenstoun, William Lythquo and Deyn William Wilsoun, 88a.

82. Instrument narrating that John Hwme of Hwtonhall protested that Jonet Newtoune of Dalcowe and her spouse, Ralph Haliburtoun, had made a reversion to him of the mill of Litil Newtoune and the lands thereof as he formerly had from Thomas MacDuell of Macherstoune. Done on 17th May 1554. Witnesses, Andrew Hwm, Mr. Alexander Crichton, Mr. John Forsyth, notary, Sir William Corbet and John Haliburtoun, 88b.

83. The same day and place, the foresaid Ralph Haliburtoun and Jonet Newtoune of Dalcowe protested that, whenever God provided him or his heirs to come to a better condition so that they could release the Mill and mill lands, it would be odious for them to hinder the heirs from redeeming the Mill with their multures and sequels, which John Hwm granted. Witnesses same as above, 88b.

84. Instrument narrating that Robert Haig of Bemersyid, of his own free will, sealed and subscribed a procuratory for resigning all right in his lands of Bemersyid in favour of Andrew Haig, his first born and apparent heir, into the hands of the queen, reserving his franktenement for his life ; and (protested) that the said Andrew shall not hinder him from letting and receiving his profit, when he pleases, to the end of his life. Done on 26th April 1554. Witnesses, William Haig and James Haig, 89a.

85. Instrument narrating that Ralph Haliburtoun protested that James Ker and George Ker should not impede the privilege of his precept although he gave them a new day to look into their right. He craved instrument. Done on 24th May 1552 (?). Witnesses, George Ker of Gaitschaw, laird of Hangandsyid, William (?) . . . stoun and Andrew Haliburtoun, 89b.

86. Instrument narrating that Margaret Haliburtoun, relict of the late Adam Tunno of Hairheuch, resigned and renounced all her right in and to the lands of her whole third part of the lordship of Hairhuch and elsewhere, wherever they lie in length and breadth, in favour of Adam Tunno and his father, William Tunno, reserving to herself the place and property of Ellotlaw for her lifetime, and that she constituted the said Adam her assignee in and to said lands, transferring her right. The said Adam Tunno shall allow the said Margaret food and clothes befitting such a well born woman, with one maid, a well covered chamber, fire and other necessaries to the end of her life, and if he fail her in the premises, she shall hinder all the premises at her pleasure. The said Margaret is not compelled nor circumvented, but has done this of her

own free will. Dated 12th August 1551. Witnesses, Andrew Haburtoune, laird of Mertone, William Haliburtoune, Ralph Haliburtoun, John Trotter and Patrick Tunno, 90a.

87. Instrument narrating that Thomas Hog, bailie in that part of Henry Haitlie, lord of the fee of Mellostanis, and of John Haitlie, his father, lord of the franktenement of the same, appeared holding in his hand a charter containing a precept of sasine granted by them, with consent of George Hoppringill of Wranghame and Thomas Haitlie, curators of Henry, to Alexander Wardlaw of Waristoun and Mariota Hoppringill, his wife, and the longer liver of them, in conjunct fee, and their heirs named in that charter, of the whole quarter of the lands of the Mains of Mellostanis called the West Quarter *alias* Quhitesid, occupied by John Hoppringille of Smalem, lying in the sheriffdom of Berwick ; which charter and precept (dated at Mellostanis 3rd October 1554), the bailie handed to the notary to be read, after which he gave sasine in due form to the said Alexander Wardlaw and Mariota Hoppringill. Done on the ground of the lands 3rd October 1554. Witnesses to the charter, George Powis, Adam Ramsaye, Patrick Robesoun, George Purwes and Sir William Corbet, notary public. Witnesses to the sasine, George Powis of that Ilk, Patrick Robesoun, Adam Ramsaye, and George Purves, 91a.

88. Memorandum as follows :—"At Langnewtoune, the xviii. daye of June in the zeir of God a m.v^c lv. zeiris, comperit Williem Mowe, eymys son to Jhon of Mow of that Ilk, and of his behalff, and thair requyrit at ii. pursewanttis, the tayne of tham hecht Langlandis and the tother Cunnyngam, and he requyrit at tham quhi thai twyk awaye the said Jhon of Mowis meill of the walor of xvi. bollis wythout ony ordour of lawe, the mater betuyx the said Jhon of Mow and the lard of Langnewtoune dependant in the law and wndesidit." The pursuivants replied they had done only what the queen's letters charged them to do with a precept of the laird of Langnewtoun's and on his behalf. William Mow then "requirit the copie of thai letteris for the cost, and thai ansorit and said thai had nayne, and he dissirit to heir and to se the said letteris red, geiff thai had ony, and thai said thai war deliuerit fra tham thai had nayn as than. Item, the said Williem of Mow requirit be vertue of lawe the said meill to be lattyn to borros xv. dayis and thai sould fynd tham cautionearis, owder burgessis or landit men or cowmonaris worth the soume, and thai donyit that to, and saye (so) he gat nowder the copi of the letteris nor zet the secht of the principall." William Mowe craved instrument. Done at the fortalice of Langnewtoun on above date. Witnesses, William Maben, James Watson and James Brig, 92b.

Memorandum.—At same time, the pursuivants ("ministri"), Cunninggaym and Langlandis, craved an instrument that they did nothing except the office contained in the letters. Date and witnesses same as above, 93a.

89. Memorandum as follows :—"At Mertoune, the xxiv. daye of June in the zeir of God a m. v^c. lv. zeiris, Andro Haliburtoun, lard of Mertoune, and the sam tym hawand the kyrkland of Mertoun in possessione be the space of xl. zeiris and mair," gave up all right and claim he had to the said Kirklands of Mertoun, after his decease, to his son and apparent heir, Mark Haliburtoun, "and, into the sam tyme presentlie to cum, to the mansion callit the kyrk mansioun, and thair to duell and brouk that onset wytht the markland lyand fra the gait to the water beneytht the kyrk and the gait abon the kyrkzard, and the said mansioun quheneuer hym plesit, 93b.

90. Memorandum as follows :—At Mertoun, 12th June 1555, it is agreed between Jonet Greynfeild *alias* Myll and her daughter, Margaret Grenfeild, on the

one part, and Walter Steill and his friends, on the other part, as follows :—The said Walter Steill shall marry Margaret Grenfeild, for which marriage the said Jonot Myll "sall resawe the said Walter Steill and his wyff in hyr hous, and to laubor and wyrk als dewlie as it war thair awyn in all thyngis, and to spend it at thai maye wyn amang them, and the said Jonot to be maister of hyr awyn landis and gwydes, houssis (and) wtheris proffettis on to the tyme at sche deces." If Walter and his wife decease before Jonot, having heirs of their bodies, their "bairns" shall succeed to the steading after Jonot's death. "Item, the said Walter Styll sall bryng in all the guyddis and profettis he has of his barnis part of gwyddis to help to wphald the hous." The party failing to complete the contract to pay 100 merks to the other party. Jonot and Walter craved instruments. Witnesses, Mark Haliburtoun, younger, laird of Mertone and apparent heir, George Hendersoun, Walter Myll, James Wacho, George Symsoun and Robert Myll, prest, channon in Drybrocht, 94a.

91. Memorandum as follows :—At Mertoun, 19th June 1555, it is agreed between Walter Myll and his daughter, Jonot Myll, on the one part, and William Baxster and his son, Thomas Baxster, on the other part, as follows :—Thomas Baxster shall marry Jonot Myll "als sone as scho cumis fra serwycę at Mertymes," for which marriage Walter Myll "sall leiff the onset houssis and land that he hes of the lard of Mertoune on to the said William Baxster, his son, and the said Jonot Myll on to the wsche of the ix zeiris taxis the said Williem (sic? Walter) has of the lard of Mertoune." If Thomas Baxster and his wife "aggreis nocht in to houssald wyth Williem Baxstar quhen thai pleis, the said Williem Baxster sall deliuer to the tayne halff of all houssis, landis and than lat tham fend wyth thair awyn gwydis, and geiff thai aggrei weill to byd togydder als lang (as) thai pleis and at the wsche of his taxis the said Thomas and Jonot sall brouk all the (*defaced*), and the said Williem sall leiff tham and pas fra the said steid at thair plesor ; and geiff ony of (the) forsaidis deis, thair sall nest of thair barnis ather of them haiff wtheris in to siclyik forme as said is ; and the said Williem sall paye the maill aye in to his tyme and thai to haiff the t . . . half of the corne sa that tha manure and saw the land wytht thair awyn seid." Walter Myll asked instrument. Witnesses, William Haliburtoun, Andro Jordan, Jhon of Crawmont, Jhon of Paistom and Jhon Alesoun, 95a.

92. Letters of the Official of St. Andrews within the Archdeaconry of Lothian, directed to the curate of Edinburgh, Merthonne (?), or any other chaplain, committing to them power to absolve in church form Nicholas Lermotht, James Steill, William Thomson, John Scot, James Myll, elder, John Raa, younger, and Robert Brown from a sentence of excommunication of aggravation which they incurred at the instance of Jonot Newtoun, lady of Dalcoiff, and Adam Ker, her husband, and that absolutely or at a day during the will of the parties. Given under the seal of office at Edinburgh 25th April 1545, 96a.

93. Memorandum (*deleted*), apparently narrating the notary's private expenses, as follows :—"Item, the iiii. daye of Junii the zeir of God a m. v^c. xlii (?) zeiris apon Corpuscristeis daye at ewyn, all thyngis beand cwnttit and rackynit betweyn Schir William Corbet and Alesoun Jamesoun, the said Schir Williem restis awand to hyr vis. ixd. befor the supper. Item, at the super vid. Item, one morne vd. Item, at the myl & at haym with Downaldsoun xid. & 3d. of he payit iij. 3d. (*sic*). Item, one Sondaye at nwyn with Wille Corbet & Downaldsoun vjd. At ewyn I was awaye (?). Item, on Moundaye at nwyn & ewyn xiid. Item, apoun Tyisdaye xiiiid. Item, on the Weddynisdaye at nwyn vd. & a d. efter & iiid. at ewyn. Item, apoun Thursdaye at nwyn & ewyn xiid. for fych. The Frydaye is payit & Setterdaye bayth. Item, all the laiff is payit. Frydaye at ewyn and our

nycht & apoun Setterdaye at nwyne iiid. At ewyn vd. Sondaye I was at the kyrk with the lard. Item, at ewyn vd. Item Mounday at nwyn with the lard & efternwyn & at ewyn vid. Summa xvis., the last daye of Junii. Item, the fyrst daye of Julii at nwne viid., and at ewyn vid. Item, one the morne at nwne & ewyn xiid. Item, I was awaye fra that daye at the brydell was [in] Dawcowe aye quhyll the nest Sondaye that I was [in] the barne ijs. at held the toson (?) (*sic*). Summa suprascripta totius xxs. 1d., the xiiii. daye of Julii. Item, on Sanct James' daye xid. Item, on the Sondaye effter Sanct James' day at nwyn with the gwydman viiid. & at ewyn at the trout vd. Owtpayit & done, 96a.

[*At foot of last page there is written in the notary's own handwriting,* "*In Dei nomine, Amen.*"]

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